

**REMARKS/ARGUMENTS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-34 are pending in this application.

**Rejection Under 35 U.S.C. §103:**

Claims 1-34 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Shimizu et al (EP '423, hereinafter "Shimizu") in view of Schofield et al (U.S. '786, hereinafter "Schofield"). Applicant respectfully traverses this rejection.

In order to establish a prima facie case of obviousness, all of the claim limitations must be taught or suggested by the prior art and there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. The combination of Shimizu and Schofield fails to teach or suggest all of the claim limitations. For example, the combination fails to teach or suggest controlling a malfunction indicator light (MIL) in such a manner that operation of the MIL is selected from one of the following possible conditions: lighting-on, flashing and lighting-off.

Page 3, lines 5-9 of the Office Action state the following:

"Schofield et al., teach said selected condition being one of the following possible conditions: lighting-on, flashing, and lighting-off on lines 46-50, on column 6; the **malfunction detection operation** of each one of said at least one diagnosis target is categorized into at least three levels, which include

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normal, temporarily abnormal, and abnormal on lines 28-42, on column 5 (emphasis added).”

Applicant respectfully disagrees with the above characterization of Schofield. Col. 5, lines 28-42 of Schofield states the following:

“In operation, the plurality of indicators making up indicator assembly 26 are cumulatively progressively energized in a manner which indicates that another vehicle is approaching the detected blind spot of vehicle 10 and is actually within the blind spot of the vehicle. For example, a progressively greater number of indicators can be energized as another vehicle approaches the blind spot of vehicle 10, with the number of energized indicators increasing as the other vehicle gets closer to the blind spot of vehicle 10.”

This portion of Schofield merely discloses energizing a greater number of indicators 26 in correspondence with the approach of another vehicle into and within the blind spot of vehicle 10. The progressive energization of indicators 26 has absolutely nothing to do with malfunction detection as alleged in page 3, lines 5-9 of the Office Action. That is, detecting a blind spot of a vehicle has absolutely nothing to do with detecting malfunction of a diagnosis target. The progressive energization of indicators 26 does not indicate improper operation of vehicle 10, but merely that another vehicle is approaching or within its blind spot. Moreover, the progressive energization of indicators 26 does not disclose anything regarding normal, temporary abnormal and abnormal malfunction levels as apparently alleged by the Office Action. A person viewing indicators 26 certainly cannot ascertain any information regarding specific malfunction levels (e.g., normal,

temporary abnormal and abnormal). Indeed, the progressive energization of indicators 26 may occur during completely proper operation of vehicle 10.

Col. 6, lines 46-50 of Schofield states the following:

“As an alternate, or a supplement, to mere illumination, the blind spot indicators 78a, 78b can change color (such as from green to amber to red), change in size or shape, or strobe/flash so as to alert the driver to an increase in potential blind spot hazard as the side approaching vehicle moves from mere approaching to deeper into the blind spot zone (emphasis added).”

This portion of Schofield merely discloses using a strobe/flash to alert the driver to an increase in potential blind spot hazard. However, the use of the strobe/flash fails to teach or suggest operating an MIL to light-on, flash or light-off based on the result of a malfunction detection operation of a diagnosis target. A person viewing the strobe/flash of Schofield cannot make any conclusions regarding the malfunction of a diagnosis target. Neither Schofield nor Shimizu disclose different levels of malfunction corresponding to these different MIL states. Accordingly, even if Schofield and Shimizu were combined as proposed by the Office Action, the combination would not have taught or suggested all of the claim limitations.

Moreover, one of ordinary skill in the art looking to modify the abnormality detection system disclosed by Shimizu would not have considered the blind spot disclosed in Schofield. Detecting abnormalities addresses completely different

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problems than detecting blind spots. The combination of Shimizu and Schofield is therefore improperly based on hindsight reasoning.

Accordingly, Applicant submits that claims 1-34 are not "obvious" over Schofield and Shimizu and respectfully requests that the rejection of these claims under 35 U.S.C. §103 be withdrawn.

**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 

Raymond Y. Mah  
Reg. No. 41,426

RYM:sl  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4044  
Facsimile: (703) 816-4100